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STATE WATER SURVEY DIVISION
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WATER QUALITY STANDARDS DIGEST

A COMPILATION OF FEDERAL/STATE STANDARDS ON

-ANTIDEGRADATION-

ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

DECEMBER 1972

INTRODUCTION

This digest was compiled in order to provide general information to the public as well as to Federal, State, and local officials. It contains excerpts from the individual Federal-State water quality standards establishing an antidegradation policy for interstate waters.

Antidegradation statements were adopted in response to a policy directive by the Secretary of the Interior on February 8, 1968. The purpose of antidegradation is to prohibit the deterioration of waters whose existing quality is higher than established water quality standards. All states have Federally approved antidegradation statements as part of their water quality standards.

The water quality standards program is directed by the Environmental Protection Agency, an independent regulatory agency which has responsibility for approving State-adopted standards for interstate waters, evaluating adherence to the standards, and overseeing enforcement of standards compliance.

Standards, the first nationwide strategy for water quality management, contain four major elements: the use (recreation, drinking water, fish and wildlife propagation, industrial, or agricultural) to be made of the interstate water; criteria to protect those uses; implementation plans (for needed industrial-municipal waste treatment improvements among others) and enforcement plans; and an antidegradation statement to protect existing high quality waters.

Minimum water quality criteria, or numerical specification of physical, chemical, temperature, and biological levels, are stated in the National Technical Advisory Committee report to the Secretary of the Interior, Water Quality Criteria, dated April 1, 1968, and published by the Government Printing Office, Washington, D.C. Unavailability of the NTAC report before June 30, 1967--the date set by the Water Quality Act of 1965 for formal adoption of State standards--resulted in significant variations between the State-adopted and the NTAC minimum criteria. Some standards were adopted and approved before the NTAC report became available. Also, the Water Quality Criteria report is subject to updating in light of new scientific and technical information.

Since water quality standards experience revisions and upgrading from time to time, following procedures set forth in the Federal Water Pollution Control Act, individual entries in this digest may be superseded. As these revisions are accomplished, this digest will be updated and reissued. Because this publication is not intended for use other than as a general information resource, for the latest information, and for special purposes and applications, refer to the existing, approved water quality standards which can be obtained from the State water pollution control agencies or EPA, Washington, D.C. or regional offices.

Individual State-adopted antidegradation statements, contained within Federal-State standards, follow.

Approved: September 19, 1972

ALABAMA

The purpose and intent of the water quality standards is to conserve the waters of the State of Alabama and to protect, maintain, and improve the quality thereof for public water supplies for the propogation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses; and to provide for the prevention, abatement and control of new or existing water pollution.

Waters of quality higher than that established by the standards as of the effective date of such standards shall be maintained at that high quality water provided that the Commission has the authority to approve a new or increased discharge of waste to a high quality water upon demonstration that such discharge is necessary for economic or social development.

In no case will developments constituting a new or increased source of pollution to high quality waters be allowed to install or operate less than the highest and best degree of treatment available under existing technology. This degree of treatment for industrial or municipal waste is generally considered to be a minimum of secondary treatment as described in Alabama Water Quality Standards. Where necessary to protect existing and future beneficial uses, a higher degree of treatment may be required.

In applying these policies and requirements, the State of Alabam will recognize and protect the interests of the Federal Government in interstate (including coastal)waters. Towards this end the Commission will consult with the Environmental Protection Agency on all matters affecting the Federal interest.

Approved: October 4, 1971

ALASKA

Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at that high quality unless it has been affirmatively demonstrated to the state that a change in justifiable as a result of necessary economic or social development and will not preclude present and anticipated use of such waters. Any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required to provide the highest degree of practicable treatment to maintain the high water quality. In implementing this policy, the Administrator of the Environmental Protection Agency will be kept advised in order to discharge his responsibilities under the Federal Water Pollution Control Act as amended.

Approved: September 27, 1968

ARIZONA

Waters whose existing quality is better than the established standards will not be lowered in quality unless and until it has been affirmatively demonstrated to the State Water Quality Control Council that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of, or presently possible in, such waters. Any industrial, public or private project or development which could constitute a new source of pollution or an increased source of pollution to high quality waters will be required, as part of the initial project design, to provide the highest and best degree of waste treatment practicable under existing technology. In implementing the policy of this paragraph as it relates to interstate streams, the Secretary of Interior will be kept advised and provided with such information as he will need from time to time to protect the interests of the United States and the authority of the Secretary in maintaining high quality of interstate waters.

Approved: November 19, 1969

ARKANSAS

WHEREAS, the Arkansas Pollution Control Commission has heretofore promulgated Regulation No. 2, establishing water quality criteria for interstate streams within the State of Arkansas, pursuant to the provisions of Section 3 of the Arkansas Water and Air Pollution Control Act (Act 472 of the Acts of Arkansas for 1949, as amended; Ark. Stats., § 82-1904), and in compliance with the requirements of the Federal Water Quality Act of 1965 (Public Law 89-234, 33 U.S.V.A., § 466g); and

WHEREAS, said Regulation provides that "The criteria are designed to enhance the quality, value, and beneficial uses of the water resources of the State of Arkansas and to aid the prevention, control, and abatement of water pollution;" and

WHEREAS, said Regulation further provides that "It is the purpose of these criteria to preserve and enhance the quality of this water so that it shall be reasonably available for all beneficial uses and thus promote the social welfare and economic well-being of the people of the State"; and

WHEREAS, said Regulation further provides for a clear and unequivocal non-degradation policy, to-wit:

"3. The water quality crtteria herein contained shall not be construed as permitting any waste amenable to treatment or control to be discharged in any water of the State of Arkansas without reasonable treatment or control. The Arkansas Water and Air Pollution Control Act provides, among other things, that it shall be unlawful for any person to discharge any waste into any waters of the State without having first obtained a written permit from the Commission. A disposal permit may not be issued unless there is submitted to the Commission plans and specifications for a disposal

system adequate to treat or control the wastes so as not to cause water pollution as defined in the Act. Such treatment or control must be consistent with the state of the art and best practicable industry standards, the minimum requirement being secondary treatment or equivalent, giving due regard to quality and flow of the receiving waters, the present, future and potential uses of such waters, economic feasibility, and other relevant factors"; and

WHEREAS, the Water Quality Standards for Interstate Streams adopted by the Commission, of which Regulation No. 2 is an integral part, were approved without exception by the Secretaty of Interior on August 7, 1967; and

WHEREAS, subsequent to such approval the Secretary of Interior and the Federal Water Pollution Control Administration articulated a non-degradation policy, which has been authoritatively construed and explained by responsible officials of the Department of Interior as set forth in a Compendium,dated August, 1968; and

WHEREAS, the non-degradation policy incorporated in Regulation No. 2, making clear that waters of existing quality higher than the established standards may not be degraded by untreated waste discharges even though the resulting water quality might comply with the standards and that a waste disposal permit, as required by law, will not be issued by the Commission unless the treatment or control is consistent with the state of the art and best practicable industry standards (the minimum requirement being secondary treatment or equivalent), is at least as strong as that subsequently adopted by the Secretary of Interior and is fully consistent therewith; and

WHEREAS, the Commission wishes to assure the Secretary of Interior and Federal Water Pollution Control Administration of its cooperation in implementing the Arkansas Water Quality Standards in general and the non-degradation policy in particular,

including the furnishing of relevant information and data;

NOW, THEREFORE, BE IT RESOLVED, That the Arkansas Pollution Control Commission, its agents, servants, and employees, shall cooperate with the Secretary of Interior and the Federal Water Pollution Control Administration in implementing the Arkansas Water Quality Standards and the non-degradation policy incorporated therein. In connection with such implementation, the Secretary of Interior and the Federal Water Pollution Control Administration will be kept advised and will be provided with such information as they will need to discharge their responsibilities under the Federal Water Pollution Control Act, as amended.

BE IT FURTHER RESOLVED, Than the Director of the Commission is hereby authorized and directed to take such action as may be necessary or appropriate to effectuate the foregoing.

Resolved the 25th day of October, 1968.

Approved: January 9, 1969

CALIFORNIA

Whenever the existing quality of water is better than the quality established in policies as of the date on which such policies become effective, such existing high quality will be maintained until it has been demonstrated to the State that any change will be consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial use of such water and will not result in water quality less than that prescribed in the policies.

Any activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the State will be maintained.

In implementing this policy, the Secretary of the Interior will be kept advised and will be provided with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act.

Approved: March 4, 1971

COLORADO

Waters of the state, the quality of which exceeds the limits set in these standards, will be maintained at existing quality unless and until it can be demonstrated to the State that a change in quality is justified to provide necessary economic or social development. In that case, the best practicable degree of waste treatment to protect the current classification of such waters will be required. The appropriate Federal authority will be provided with information, from time to time, required to discharge his responsibilities under the Federal Water Pollution Control Act, as amended.

Approved: April 21, 1970

CONNECTICUT

Interstate waters whose existing quality is better than the established standards as of the date which such standards become effective will be maintained at their existing high quality. These and other interstate waters of the State will not be lowered in quality unless and until it has been affirmatively demonstrated to the Commission and the Department of the Interior that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of, or presently possible in, such waters. This will require that any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required, if provided a permit, as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology, and, since for interstate waters these are also Federal standards, these waste treatment requirements will be developed cooperatively.

Approved: July 30, 1971

DELAWARE

It is the public policy of the State to maintain within its jurisdiction a reasonable quality of water consistent with public health and public enjoyment thereof, the propagation and protection of fish and wild life, including birds, mammals, and other terrestrial and aquatic life, and the industrial development of the State.

Where conflicts develop between stated water uses, stream criteria or discharge criteria, water uses shall be paramount in determining the required stream criteria, which, in turn, shall be the basis of individual discharge limits.

Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at such high quality unless it has been affirmatively demonstrated to the State that a change is justifiable as a result of necessary economic or social development, and will not preclude uses presently possible is such waters. Any industrial, public, or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required to provide the highest and best practicable means of waste treatment to maintain high water quality. In implementing this policy the Administrator of the Environmental Protection Agency will be kept advised and will be provided with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act as amended.

Approved: January 17, 1969

DISTRICT OF COLUMBIA

There are no waters within the District of Columbia whose existing quality is better than the quality indicated by the established standards. Accordingly, it is the policy of the District of Columbia to improve the quality of all its waters as reflected in the standards. All industrial, public, and private sources of pollution will be required to provide the degree of waste treatment necessary to meet the water quality standards. In implementing this policy, the Secretary of the Interior will be kept advised and will be provided with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act, as amended.

Approved: January 17, 1969

FLORIDA

The policy inherent in the standards shall be to protect water quality existing at the time these water quality standards were adopted or to upgrade or enhance water quality within the State of Florida. In any event where a new or increased source of pollution poses a possiblity of degrading existing high water quality, such project development shall not be issued a Commission permit until the Commission is satisfied that such development will not be detrimental to the best interests of the State and necessary to its social and economic development. In administering the policy, high quality receiving waters will be protected by requiring as a part of the initial project design the highest and best practicable treatment available under existing technology.

The Commission recognizes and will protect the interest of the Federal Government in interstate and coastal waters in accordance with the Federal Water Pollution Control Act, as amended. The Commission further shall consult with the U. S. Department of the Interior on all matters affecting the Federal interest in a cooperative effort.

Approved: September 1, 1972

GEORGIA

The purposes and intent of the State in establishing Water Quality Standards are to provide enhancement of water quality and prevention of pollution; to protect the public health or welfare in accordance with the public interest for drinking water supplies, conservation of fish, game and other beneficial aquatic life, and agricultural, industrial, recreational, and other beneficial uses.

Those waters in the State whose existing water quality is better than the minimum levels established in standards on the date standards became effective will be maintained at high quality; with the State having the power to authorize new developments, when it has been affirmatively demonstrated to the State that a change is justifiable to provide necessary social or economic development; and provided further that the level of treatment required is the highest and best practicable under existing technology to protect existing beneficial water uses.

In applying these policies and requirements, the State of Georgia will recognize and protect the interest of the Federal Government in interstate (including coastal and estuarine) waters. Towards this end the State will consult and cooperate with the Environmental Protection Agency on all matters affecting the Federal interst.

GUAM

Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at their existing high quality. These and other waters of the Territory will not be lowered in quality unless and until it has been affirmatively demonstrated to the Territorial water pollution control agency and the Department of the Interior that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of, or presently possible in, such waters. This will require that any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required, as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology, and, since these are also Federal standards, these waste treatment requirements will be developed cooperatively.

Approved: June 28, 1971

"It is the public policy of this State to conserve the waters of the State, and to protect, maintain and improve the quality thereof for drinking water supply and food processing, for the growth and propagation of shellfish, fish and other marine and aquatic life, for oceanographic research, for the conservation of coral reefs and wilderness areas, and for domestic, agricultural, industrial, recreational and other legitimate uses; and to provide that no waste be discharged into any waters of this State without first being given the degree of treatment necessary to protect the legitimate beneficial uses of such waters; and to provide for the prevention, abatement and control of new and existing water pollution; and to cooperate with the federal government in carrying out these objectives.

"Therefore, waters whose qualities are higher than established water quality standards shall not be lowered in quality unless it has been affirmatively demonstrated to the Director that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of, or presently in, such waters. Any industrial, public or private project or development which could constitute a new source of pollution or an increased source of pollution will be required, as part of the initial project design to provide the highest and best degree of waste treatment practicable under existing technology. In implementing the policy of this paragraph as it relates to waters under federal jurisdiction, the Secretary of the Interior will be kept advised and provided with such information as he will need from time to time to protect the interests of the United States and the authority of the Secretary in maintaining high quality of interstate waters."

Approved: June 7, 1971

IDAHO

"Waters whose existing quality is better than the established standards as of the date of which such standards become effective will be maintained at their existing high quality. These and other waters of Idaho will not be lowered in quality unless and until it has been affirmatively demonstrated to the Idaho Department of Health and the Environmental Protection Agency that such change is justifiable as a result of necessary economic or social development and will not interfere with or beomce injurious to any assigned uses made of, or presently possible in, such waters. This will require that any industrial, public, or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required, as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology, and since these are also Federal standards, these waste treatment requirements will be developed cooperatively."

*Approved: June 5, 1972

ILLINOIS

Waters whose existing quality is better than the established standards at the date of their adoption will be maintained in their present high quality. Such waters will not be lowered in quality unless and until it is affirmatively demonstrated that such change will not interfere with or become injurious to any appropriate beneficial uses made of, or presently possible in such waters and that such change is justiviable as a result of necessary economic or social development.

*Earlier Approval: January 27, 1968

Approved: January 20, 1971

INDIANA

Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained in their present high quality consistent with the powers granted under the Indiana Stream Pollution Control Law. Such waters will not be lowered in quality unless and until it has been affirmatively demonstrated to the Stream Pollution Control Board that such change is justifiable as a result of necessary economic or social development and will not become injurious to, any assigned uses made of, or presently possible in, such waters. In order to preserve, protect, and enhance existing high quality waters, all waste discharges will receive a minimum treatment level of secondary or higher as conditions necessitate. In implementing this policy as it relates to interstate streams, the Secretary of the Interior will be kept advised and provided with such information as is required to discharge his responsibilities under the Federal Water Pollution Control Act.

Approved: June 30, 1971

IOWA

Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at high quality unless it has been affirmatively demonstrated to the State that a change is justifiable as a result of necessary economic or social development and will not preclude present and anticipated use of such waters. Any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required to provide the necessary degree of waste treatment to maintain high water quality. (In implementing this rule, the appropriate agency of the Federal Government will be kept advised and will be provided with such information as it will need to discharge its responsibilities under the Federal Water Pollution Control Act, as amended.)

Approved: April 25, 1969

KANSAS

All waters of the State, whose existing quality is better than the applicable water quality standards as established by the State of Kansas as of the date the water quality standards become effective will not be lowered in quality until it has been determined by the Kansas State Board of Health that the change is justifiable as a result of necessary social and economic development and that all the beneficial uses of waters affected will not be impaired. In no case shall the quality of waters of the State be reduced below the quality standards as established by the State of Kansas.

Any industrial, public, or private project or development which would constitute a new or increased source of pollution to high quality waters will be required to provide the best practicable degree of treatment available under existing technology.

The Kansas State Board of Health will furnish reports and information to the U. S. Department of the Interior as the Secretary of the Interior may need to carry out his functions under the Water Quality Act of 1965.

Approved: December 23, 1971

KENTUCKY

Waters within the public domain of the Commonwealth that possess a higher quality than that established at the effective date of established standards will be maintained at their present high quality consistent with the powers granted under the Water Pollution Control Law of the Commonwealth of Kentucky. Such high quality waters will not be lowered in quality unless and until it is affirmatevely demonstrated to the Kentucky Water Pollution Control Commission that such a change is justifiable as a result of necessary economic or social development and will not adversely affect present uses and future uses to be made of such waters. The most effective degree of treatment for wastes discharged into such high quality waters consisting of a minimum treatment level of secondary or higher as conditions necessitate will be required at the time of such permission. In implementing this policy as it relates to interstate streams the Environmental Protection Agency Administrator will be kept advised and provided with such information as is required to discharge his responsibilities under the Federal Water Pollution Control Act.

Approved: December 17, 1969

LOUISIANA

It is the policy of the Louisiana Stream Control Commission that all interstate waters, portions thereof, and coastal waters whose existing quality exceeds the approved water quality standards will be maintained at their existing high quality unless and/or until it has been affirmatively demonstrated to the Louisiana Stream Control Commission that such changes are justifiable as a result of desirable and economic or social development, and further that such changes will not interfere with or become injurious to the user of the waters as described in the water quality standards. The Louisiana Stream Control Commission will disapprove any waste discharge that will cause water quality degradation of interstate waters, portions thereof, and coastal waters of Louisiana below the standards adopted by the State of Louisiana and approved by the Federal Water Pollution Control Administration without complying with the Federal and State of Louisiana laws applicable to the amendment of water quality standards. Any industrial, public or private project or development that would constitute a new source of pollution or an increased source of pollution to any of the waters in Louisiana will be required, as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology consistent with the best practice in the area affected under the condition applicable to the project or development. Consistent with the provision of the Federal Water Quality Act the Louisiana Stream Control Commission will keep the Department of Interior informed of its activities and will furnish the Department of Interior informational reports, in such form as the Secretary of the Department of Interior may, from time to time, reasonably require to carry out his function under the Federal Water Quality Act of 1965. The Louisiana Stream Control Commission will consult and cooperate with the Federal Water Pollution Control Administration of the Department of Interior on matters that are a proper consideration of the Federal Agency; the Federal Water Pollution Control Administration will reciprocate in matters that are a proper consideration of the Louisiana Stream Control Commission.

MAINE

There shall be no discharge of sewage or other wastes into water of this classification unless specifically licensed by the commission upon finding that no degradation will result to the quality of such waters, and no deposits of such material on the banks of such waters in such a manner that transfer of the material into the waters is likely. Such waters may be used for log driving if such use will not lower its classification.

Sec. 413 Waste discharge licenses

1. License required. No person, firm, corporation, association, partnership, municipality, quasi-municipal body, state agency, or other legal entity shall directly or indirectly, discharge or cause to be discharged into any brook, stream, river, pond, lake, or other body of water or watercourse or any tidal waters, whether classified or unclassified, any waste, refuse, effluent, or any sewage without first obtaining a license therefor from the commission.

2. Exemptions. No municipality or quasi-municipal body shall require a license from the commission for any discharge, described in section 1, as the same existed on September 1, 1959. No other person, firm, corporation, association, partnership, state agency or other legal entity shall require a license from the commission for any discharge described in subsection 1, as such discharge existed in quality or quantity on August 8, 1953.

3. Expiration of exemptions.
A. Change in quantity or quality. Upon a significant increase in the quantity of a significant adverse change in the quality of any discharge exempted from licensing by subsection 2, the exemption granted by subsection 2 is extinguished and void and the person, firm, corporation, association, partnership, municipality, quasi-municipal body, state agency, or other legal entity causing the increase or change shall seek a license under section 414.

B. Transfer of ownership. In the event that the person, firm, corporation, association, partnership, municipality, quasi-municipal body, state agency, or other legal entity exempted from licensing by subsection 2, or granted a license by the commission shall transfer the ownership of a facility or structure which is the source of a discharge described in subsection 1, the exemption granted by subsection 2 or the license granted by the commission shall upon such transfer be extinguished and void and the new owner shall seek license under section 414.

C. Other expirations. On October 1, 1976, any exemption granted by subsection 2 is extinguished and void and the discharger shall seek a license under section 414 for any discharge after that date.

4. Conditions for licensing
A. Classified waters. The commission shall issue a license to an applicant seeking to discharge into classified waters upon a finding that the applicant's discharge will be receiving the best practicable treatment and that either of itself or in combination with existing discharges to the waterway, such discharges will not lower the quality of any receiving body of water or tidal waters below classification.

B. Unclassified waters. The commission shall issue a license to an applicant seeking permission to discharge into unclassified waters upon a finding that the applicant's discharge will be receiving the best practicable treatment , and that either of itself or in combination with existing discharges to the waterway, such discharge will not lower the quality of any receiving body of water or tidal waters below the classification which the commission expects to recommend in accordance with section 365 or below the existing water quality, whichever is higher.

C. Waters of higher quality than classification. Where the existing quality of any receiving body of water or tidal waters, or segment thereof, is higher than its classification, the commission shall issue a license for a new discharge which would lower the existing quality of such waters, but not below classification, only upon an affirmative showing that the new discharge will be be receiving the best practicable treatment and is justifiable as a result of necessary economic and social development.

D. Best practicable treatment. "Best practicable treatment' as used in this subchapter shall mean the methods of reduction, treatment and handling of waste best calculated to protect or improve the quality of the receiving waters. In determining the best practicable treatment for a particular discharge the commission shall consider:

(1) the then existing state of technology;
(2) the effectiveness of the available alternatives for treatment of the type of discharge being considered;
(3) their economic feasibility for the type of establishment involved.

5. Registration of Discharges Exempted from Licensing. Every person, firm, corporation, association, partnership, municipality, quasi-municipal body, state agency, or other legal entity which is exempted under subsection 2 from licensing, shall, by March 1, 1973, file with the commission a statement showing the location, source, nature and amount of such discharge. Any discharge not so registered shall be unlawful and shall be considered an unlicensed discharge under subsection 6.

6. Unlicensed discharge. If after investigation the commission finds any unlicensed discharge, it may notify the Attorney General of the violation without recourse to the hearing procedures of section 451, subsection 2. The Attorney General shall proceed immediately under section 454.

Sec. 414 Applications for licenses

1. Form. Applications for licenses shall be submitted to the commission in such form and containing such information as the commission may by regulation require, and shall be signed by the applicant. The commission may reject applications which are not in accord with applicable law and regulations. In such event, written notice of such rejection shall be given to the applicant within 30 days of receipt of the application,

and such ntoice shall be accompanied by a statement indicating the information deemed necessary by the commission in order for the application to conform to applicable law and regulations. Within 30 days of such notice and statement, or within such other time as the commission may allow, the applicant shall file the required information, otherwise the application shall be deemed withdrawn. Nothing in this section shall be construed to require an applicant to disclose any secret formulae, processes, or methods used in any manufacturing operation carried on by him or under his direction.

Applications found to be in order by the commission shall be dealt with as provided.

A. If the commission determines as a result of its own investigation that such discharge will meet the requirements of section 413, subsection 4, it may issue such license to the applicant or hold a public hearing upon the application in the manner provided. In the event that either the applicant shall object in writing to the terms and conditions of a license within 30 days of notice thereof or the commission has knowledge of substantial objection to the granting of such license it shall hold a public hearing upon the application in the manner provided.

B. Public hearings. The commission shall set a time and place for hearing on the application, which hearing shall be held within 45 days of receipt by the commission of the application, ot the licensee's objection, and shall give notice of the hearing to the applicant by certified mail, return receipt requested, and by publication in a newspaper circulated in the area of the proposed discharge and in a newspaper having state-wide circulation and distribution in the said area once a week for 3 successive weeks, the last publication being at least 3 days prior to the date of the hearing. Evidence taken and received which may include but not be limited to the applicant's financial ability to meet the State's water pollution control standards shall have the same effect as though taken and received by the full commission and shall authorize action by the full commission as though by it taken and received. If after hearing, the commission shall determine that such discharge will meet the requirements of section 413, subsection 4 it shall issue such license to the applicant upon payment of the required fee or modify the terms and conditions of the license as appropriate

2. Terms and conditions of licenses. Licenses shall be issued by the commission for a term of not less than 3 years nor more than 10 and may contain such terms and conditions as the commission deems reasonably suited to carry out the purposes of this subchapter. With respect to licenses granted by the commission prior to the effective date of this act which have been in effect and the rights of which have been exercised for more than 3 years, the commission may upon 60 days' notice to the licensee order the licensee to reapply for a new license under this subchapter.

3. Inspection and records. Authorized representatives of the commission and the Attorney General shall have access to the premises of a licensee at any reasonable time for the purposes of inspection, testing, and sampling. The commission may order a licensee to produce any records relating to the handling, treatment or discharge of waste and may require any licensee to keep such records relating thereto it deems necessary.

4. Schedule of fees for discharge licenses. The commission shall establish, after public hearings, a schedule of annual fees for discharge licenses. The fees shall be set in relation to the reasonable costs of hearings, inspection, testing, enforcement and record keeping by the commission provided that no such fee shall exceed $500. License fees collected under this subsection shall be paid over to the General Fund.

5. Unlawful to violate licenses. After the issuance of a license by the commission it shall be unlawful to violate the terms or conditions of the license, whether or not such violation actually lowers the quality of the receiving waters below the minimum requirements of their classification.

6. Conduct of hearings. A full and complete record shall be kept of all hearings held under this section by the commission. The commission may make reasonable rules and regulations relating to the conduct of hearings held under this section.

Sec. 415 No riparian or littoral owner on any body of water shall have a cause of action either at law or in equity against any licensee licensed under section 414 to discharge into the same body of water nor be deemed an agrrieved party under this section based on the fact that such licensee is not a riparian or littoral owner on such body of water. No such owner shall have a cause of action either at law or in equity against such licensee nor be deemed an aggrieved party under this section based on the fact that such licensed discharge will prevent the owner from having the reasonable use and enjoyment of such body of water, provided that said licensed discharge will not either of itself or in combination with existing discharges to the body of water lower the statutory classification of said body of water, nor cause actual damages to such owner.

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Above sections part of Chapter 461, P.L. 1971, adopted by the Maine Legislature and approved on July 14, 1971, revising the Environmental Improvement Commission Laws. The revisions apply to sections 363 (first statement on page 22 of this document) and 413-415.

Approved: July 16, 1971

MARYLAND

It is recognized that certain waters of Maryland possess an existing quality which is better than the water quality standards established thereof. The quality of these waters will be maintained unless and until it has been demonstrated to the satisfaction of the Department of Water Resources that a change is justifiable as a result of necessary economic and social development and will not preclude uses made of or presently possible in such waters. To accomplish this objective all proposed new or increased sources of pollution will be required to provide the best practical degree of waste treatment to maintain these waters at this high quality.

In addition, there will be furnished to the Federal Water Quality Office, Environmental Protection Agency, such information as is needed to enable the Administrator of the Environmental Protection Agency to fulfill his responsibilities under the Federal law.

Water which does not meet the standards established therefor, will be improved to meet the standards.

Approved: November 25, 1970

MASSACHUSETTS

Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at such high quality unless it has been affirmatively demonstrated to the state that a change is justifiable as a result of necessary economic or social development and will not preclude uses presently possible in such waters. An industrial, public, or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required to provide the highest and best practicable means of waste treatment to maintain high water quality. In implementing this policy, the Secretary of the Interior will be provided with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act, as amended

Approved: April 17, 1968

MICHIGAN

Waters in which the existing quality is better than the established standards on the date when such standards become effective will not be lowered in quality by action of the Water Resources Commission unless and until it has been affirmatively demonstrated to the Michigan Water Resources Commission and the Department of the Interior that the change in quality will not become injurious to the public health, safety, or welfare or become injurious to domestic, commercial, industrial, agricultural, recreational or other uses which are being made of such waters, or become injurious to the value or utility of riparian lands; or become injurious to livestock, wild animals, birds, fish, aquatic life or plants, or the growth or propagation thereof be prevented or injuriously affected; or whereby the value of fish and game may be destroyed or impaired, and that such lowering in quality will not be unreasonable and against public interest in view of the existing conditions in any interstate waters of Michigan.

Water which does not meet the standards will be improved to meet the standards.

Approved: November 26, 1969

MINNESOTA

Waters which are of quality better than the established standards will be maintained at high quality unless a determination is made by the State that a change is justifiable as a result of necessary economic or social development and will not preclude appropriate beneficial present and future uses of the waters. Any project or development which would constitute a source of pollution to high quality waters will be required to provide the highest and best practicable treatment to maintain high water quality and keep water pollution at a minimum. In implementing this policy, the Secretary of the Interior will be provided with such information as he requires to discharge his responsibilities under the Federal Water Quality Act, as amended.

Approved: October 6, 1972

MISSISSIPPI

The policy inherent in the standards shall be to protect water quality existing at the time these water quality standards were adopted or to upgrade or enhance water quality within the State of Mississippi. In any event where a new or increased source of pollution poses a possibility of degrading existing high water quality, such project or development shall not be issued a Commission permit until the Commission is satisfied that such development will not be detrimental to the best interests of the State and necessary to its social and economic development. In administering the policy, high quality receiving waters will be protected by requiring as a part of the initial project design the highest and best practicable treatment available under existing technology.

The Commission recognizes and will protect the interest of the Federal Government in interstate and coastal waters in accordance with the Federal Water Pollution Control Act, as amended. The Commission further shall consult with the Environmental Protection Agency on all matters affecting the Federal interest in a cooperative effort.

Approved: June 26, 1968

MISSOURI

"It is recognized that certain of the waters under consideration possess an existing quality which is better than the standards established herein. The quality of these waters will be maintained unless and until it has been affirmatively demonstrated through public hearings that other uses and different standards are justifiable as a result of necessary economic or social development. It will be required that the highest and best technology be employed to maintain the high quality of the waters. Additional data and increased monitoring in cooperation with the Federal Government and other states, will permit the improvement of these standards. The interest of the Federal Government in interstate waters is recognized and this interest will be protected."

Approved: January 17, 1969

MONTANA

Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at that high quality unless it has been affirmatively demonstrated to the state that a change is justifiable as a result of necessary economic or social development and will not preclude present and anticipated use of such waters. Any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required to provide the necessary degree of waste treatment to maintain high water quality. In implementing this policy, the Secretary of the Interior will be kept advised in order to discharge his responsibilities under the Federal Water Pollution Control Act, as amended.

Approved: December 19, 1968

NEBRASKA

Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at this high quality unless it has been affirmatively demonstrated to the State that a change is justifiable as a result of necessary economic or social development. Any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required to provide the necessary degree of waste treatment to maintain high water quality. In implementing this policy, the Secretary of the Interior will be kept advised and will be provided with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act, as amended.

Approved: June 27, 1968

NEVADA

". . . to enhance water quality by upgrading waters that are at present affected by pollution and to perpetually maintain the quality of waters that are at present of high or suitable quality . . .

". . . It is the public policy of this State to conserve the waters of the State, and to protect, maintain and improve the quality thereof for public water supply, for the propagation of wildlife, fish, and aquatic life, and for domestic, agricultural, industrial, recreational, and other legitimate uses; and to provide that no waste be discharged into any waters of this State without first being given the degree of treatment necessary to protect the legitimate beneficial uses of such waters; and to provide for the prevention, abatement, and control of new and existing water pollution; and to cooperate with other agencies of the State, agencies of other states, and the Federal Government, in carrying out these objectives. . ."

Note: Nevada set the criteria for the high-quality waters at existing levels. These criteria are the minimum values below which water cannot be degraded, thus allowing no degradation of present levels.

Approved: December 1, 1970

NEW HAMPSHIRE

In accordance with this explicit provision and all other pertinent statutes bearing on the subject of water pollution control, it will be our purpose to cooperate with the Federal Water Pollution Control Administration of the U.S. Department of the Interior in maintaining existing high water quality in all interstate river systems flowing to or from this State. We would further subscribe to the philosophy that there should be no discharges of pollution allowed without the highest and best degree of waste treatment available for such situations. In further connection with the above-referenced legislative policy and in compliance with the anti-degradation requirements of the Department of the Interior, it should be emphasized that all waters with existing high quality will not be lowered in quality unless and until it has been affirmatively demonstrated and established to the complete satisfaction of the Commission and the General Court of the State of New Hampshire, that such lowering in quality is of compelling necessity, in the public interest, and will not interfere with or impair any legitimate uses assigned to or proposed for such waters.

Approved: March 13, 1968

NEW JERSEY

It is the primary objective of the Water Pollution Control Program in New Jersey to protect and enhance the quality of all surface waters of the State including those classified as FW-1 which are to be retained for posterity in their natural state and which shall not be subject to any man-made wastewater discharges. The objective of protecting and upgrading our waterways will take precedence over allowable minimal quality limits for surface waters established through promulgation of rules and regulations.

In all situations where there may be an impingement of a lesser quality water upon that of a higher quality, it is the objective of the New Jersey program to upgrade the lesser quality water in order to protect or improve adjacent waters having a more critical use. It is anticipated that the surface water classification and the standards of quality for New Jersey waters will be subject to continual review and revision to achieve our basic objectives.

The overriding consideration, however, regardless of the establishment of water quality levels is that of wastewater treatment requirements. The minimum degree of wastewater treatment now being permitted in the State of New Jersey is that commonly identified as secondary treatment. In New Jersey this means treatment necessary to provide as an absolute minimum 80% reduction of biochemical oxygen demand and a maximum permissible biochemical oxygen demand concentration of 50 parts per million. In most areas in New Jersey, this standard is raised to require biochemical oxygen demand reduction of 85% and 90% with appropriate maximum permissible biochemical oxygen demand concentrations. At many inland locations where only small tributaries to streams are available, the policy in New Jersey is either to prohibit the discharge of any effluent to surface waters or to require so-called tertiary treatment which is the reduction of biochemical oxygen demand of 95% as a minimum with a maximum concentration of 15 parts per million. It has been and is presently the policy of the Department that wastewaters prior to discharge into any fresh water streams in the State must receive as a minimum at least 90% treatment.

Approved: November 19, 1968

NEW MEXICO

Degradation of waters whose existing quality is better than the stream standards established by the New Mexico Water Quality Control Commission, unless justifiable as a result of necessary economic or social development, is not reasonable degradation and is subject to abatement under the authority granted the Commission by the Water Quality Act of 1967. To protect the existing quality of water the effluent standards established by the Commission under that act will require the highest and best degree of effluent treatment practicable. In implementing this paragraph, the Commission through the appropriate regional offices of the Federal Water Pollution Control Administration will keep the Secretary of the Interior advised and provided with such information concerning the interstate waters of New Mexico as he will need to discharge his responsibilities under the Federal Water Pollution Control Act (PL 84-660), as amended.

Approved: March 4, 1971

NEW YORK

It is recognized that certain waters of New York State possess an existing quality which is better than the classification standards assigned thereto. The quality of these waters will be maintained unless and until it has been demonstrated to the satisfaction of the Commission of Environmental Conservation that other uses and different standards are justifiable as a result of necessary economic or social development. To accomplish this objective all proposed new or increased sources of pollution will be required to provide the best practical degree of waste treatment to maintain these waters at this higher quality.

In addition, there will be furnished to the Federal Water Quality Administration, U.S. Department of the Interior, such information as is needed to enable the Secretary of the Interior to fulfill his responsibilities under the Federal law.

Water which does not meet the assigned classification will be improved to meet the standards.

Approved: January 20, 1971

NORTH CAROLINA

Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at high quality; provided that the State of North Carolina has the authority to approve any project or development, which would constitute a new or an increased discharge of effluent to high quality water, when it has been affirmatively demonstrated that a change is justifiable to provide necessary economic or social development, and provided further, that the necessary degree of waste treatment to maintain high water quality will be required where physically and economically feasible. Present and anticipated use of such waters will not be precluded under the conditions of the aforesaid. In implementing this policy, the Secretary of the Interior will be kept informed and will be provided with such information as he will need in discharging his responsibilities under the Federal Water Pollution Control Act.

Approved: May 22, 1970

NORTH DAKOTA

It is hereby declared to be the policy of the State of North Dakota to act in the public interest to protect, maintain and improve the quality of the waters in the State for continued use as public and private water supplies, propagation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses, to require necessary and reasonable treatment of sewage, industrial, or other wastes.

The "quality of the waters" shall be the quality of record existing at the time these standards were established. Waters whose existing quality is higher than the established standards shall be maintained at the higher quality unless it can be affirmatively demonstrated that a change in quality is justifiable to provide necessary economic or social development and will not adversely affect the stated beneficial uses of the water. Any industrial, public, or private project or development which would constitute a new or increased source of pollution to high quality waters will be required to provide the highest and best practicable degree of treatment available under existing technology. The Secretary of the Interior will be kept advised and provided with the information needed to discharge his responsibilities under the Federal Water Pollution Control Act, as amended.

Approved: September 13, 1968

OHIO

Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at their existing high quality, pursuant to the Ohio water pollution control statutes, so as not to interfere with or become injurious to* any assigned uses made of, or presently possible, in such waters. This will require that any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required, as part of the initial project design, to provide the most effective waste treatment available under existing technology. The Ohio Water Pollution Control Board will cooperate with other agencies of the state, agencies of other states, interstate agencies and the Federal Government in the enforcement of this policy.

* The Solicitor's Office recommends the phrase "and will not interfere with - -" as being superior to the adopted and approved phrase "so as not to interfere with - -" (lines 5 and 6).

Approved: February 17, 1970

OKLAHOMA

The Water Quality Criteria for the Slat Fork of the Arkansas, Cimarron, North Canadian and South Canadian Rivers, and interstate tributaries, are based on the present and potential uses, and on existing quality data. The proposed criteria shall serve as guidelines to control pollution and to maintain the best quality which will result in an equitable balance of social and economic benefits to the state. It is recognized that certain of the waters under consideration possess an existing quality which is better than the minimum standards established. The quality of those waters will be maintained unless and until it has been affirmatively demonstrated to the state through public hearings that other uses and different standards are justifiable as a result of necessary economic or social development. It will be required that the highest and best technology be employed to maintain the high quality of the waters. The interest of the Federal Government in interstate waters is recognized and this interest will be protected in accordance with the provisions of the Oklahoma Statutes. In implementing these standards, the Federal Government will be kept advised and will be provided with such information as needed to discharge its responsibilities under the Federal Water Pollution Control Act, as Amended. It is realized that the criteria cannot be considered as permanently fixed. Future changes in cultural activities, the development of additional quality data, the enhancement of existing improvements in waste treatment technology may necessitate revisions of the criteria. The proposed criteria are applicable at all times and at all flows, except as otherwise indicated.

Approved: December 17, 1968

OREGON

Notwithstanding the general and special water quality standards contained in this subdivision, the highest and best practicable treatment and/or control of wastes, activities and flows shall in every case be provided so as to maintain dissolved oxygen and overall water quality at the highest possible levels and water temperatures, coliform bacteria concentrations, dissolved chemical substances, toxic materials, radioactivity, turbidities, color, odor and other deleterious factors at the lowest possible levels. *

* Approval contingent on stringent criteria set for high quality waters.

Approved: October 7, 1971

PENNSYLVANIA

Waters having a better quality than the applicable water quality criteria as of the effective date of the establishment of such criteria shall be maintained at such high quality unless it is affirmatively demonstrated to the state that a change is justified as a result of necessary economic or social development and will not preclude uses presently possible in such waters.

Any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters shall be required to provide the highest and best practicable means of waste treatment to maintain high water quality.

In implementing the provisions of this policy, the Department shall keep the Administrator of the Environmental Protection Agency advised and shall provide him with such information to discharge his responsibilities under the Federal Water Pollution Control Act (33 U.S.C. 1151 et seq.).

Approved: December 30, 1968

PUERTO RICO

Coastal waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at their existing high quality. These and other coastal waters of Puerto Rico will not be lowered in quality unless and until it has been affirmatively demonstrated to the water pollution control agency for Puerto Rico that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of, or presently possible in, such waters. This will require that any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required, as part of the initial project design, to provide the best practical degree of treatment available under existing technology, and, since these are also Federal standards, these waste treatment requirements will be developed in cooperation with the Federal Water Pollution Control Administration.

Approved: January 20, 1971

RHODE ISLAND

"Waters whose existing quality is better than the established standards as of the date of which such standards become effective will be maintained at such high quality unless it has been affirmatively demonstrated to the State that a change is justifiable as a result of necessary economic or social development and will not result in a significant loss of a use presently possible in such waters. Any industrial, public, or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required to provide the highest and best practicable means of waste treatment to maintain high water quality. In implementing this policy, the Secretary of the Interior will be kept advised and will be provided with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act, as amended."

Approved: April 21, 1969

SOUTH CAROLINA

Waters whose existing quality is better than the established standards will not be lowered in quality unless and until it has been affirmatively demonstrated to the South Carolina Pollution Control Authority that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of such waters. Any industrial, public or private project or development which could constitute a new source of pollution or an increased source of pollution to high quality waters will be required by the South Carolina Pollution Control Authority as part of the initial project design, to provide the highest and best degree of waste treatment practicable under existing technology. In implementing the policy of this paragraph as it relates to interstate streams, the Secretary of the Interior will be advised and provided with such information as he will need from time to time to protect the interests of the United States and the authority of the Secretary in maintaining high quality of interstate waters.

Approved: June 28, 1971

SOUTH DAKOTA

"Waters whose existing quality is better than the established standards as of the date of which such standards become effective will be maintained at this high quality unless it has been affimatively demonstrated to the State that a change is justifiable as a result of necessary economic or social development. Any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required to provide the necessary degree of waste treatment to maintain high water quality. In implementing this policy, the Administrator of the Environmental Protection Agency will be kept advised and will be provided with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act, as amended."

Approved: June 2, 1972

TENNESSEE

1. The Standards and Plan adopted are designed to provide for the protection of existing water quality and/or the upgrading or "enhancement" of water quality in all waters within Tennessee. It is recognized that some waters may have existing quality better than established standards.

2. The Criteria and Standards shall not be construed as permitting the degradation of these higher quality waters when such can be prevented by reasonable pollution control measures. In this regard, existing high quality water will be maintained unless and until it is affirmatively demonstrated to the Tennessee Water Quality Control Board that a change is justifiable as a result of necessary social and economic development.

3. All discharges of sewage, industrial waste, or other waste shall receive the best practicable treatment (secondary or the equivalent) or control according to the policy and procedure of the Tennessee Water Quality Control Board. A degree of treatment greater than secondary when necessary to protect the water uses will be required for selected sewage and waste discharges.

4. In implementing the provisions of the above as they relate to interstate streams, the Tennessee Water Quality Control Board will cooperate with the appropriate Federal Agency in order to assist in carrying out responsibilities under the Federal Water Pollution Control Act, as amended.

Approved: May 2, 1969

TEXAS

In implementing the legislative policy expressed in the Texas Water Quality Act of 1967 and subject to the foregoing, it is the policy of the Texas Water Quality Board that the interstate waters in the State whose existing quality is better than the applicable water quality requirements described herein as of the date when these requirements become effective will as provided hereafter be maintained at their high quality, and no waste discharges may be made which will result in the lowering of the quality of these waters unless and until it has been demonstrated to the Texas Water Quality Board that the change is justifiable as a result of desirable economic or social development. Therefore, the Board will not authorize or approve any waste discharge which will result in the quality of any of the interstate waters in the State being reduced below the water quality standards without complying with the Federal and State laws applicable to the amendment of water quality standards. Anyone making a waste discharge from any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to any of the interstate waters in the State will be required,as part of the initial project design, to provide the highest and best degree of waste treatment available under existing technology consistent with the best practice in the particular field affected under the conditions applicable to the project or development. In the spirit of the Federal Water Pollution Control Act, the Board will keep the Department of the Interior informed on its activities and will furnish to the Department such reports, in such form, and containing such information as the Secretary of the Interior may from time to time reasonably require to carry out his functions under the Act. Additionally, the Board will consult and cooperate with the Department of the Interior on all matters affecting the Federal interest.

Approved: December 31, 1968

UTAH

Waters whose existing quality is better than the established standards will be maintained at high quality unless it has been affirmatively demonstrated to the State that a change is justifiable as a result of necessary economic or social development and will not preclude present and anticipated use of such waters. Any industrial, public or private project or development which would constitute a new source of controllable pollution or an increased source of controllable pollution to high quality waters will be required to provide waste treatment to maintain high water quality to the extent that such treatment is practicable. In implementation of this policy, the Secretary of Interior will be kept advised and will be provided with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act, as amended.

Approved: August 24, 1971

VERMONT

It is recognized that certain waters of Vermont possess an existing quality which is better than the classification standards assigned thereof.

The quality of these waters will be maintained unless and until it has been affirmatively demonstrated through public hearings that other uses and different standards are justifiable as a result of necessary economic or social development.

To accomplish this objective all proposed new or increased sources of pollution will be required to provide the best practical degree of waste treatment to maintain these waters at this high quality.

In implementing this policy, the Administrator of the United States Environmental Protection Agency will be kept advised and provided with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act, as amended.

Approved: April 28, 1970

VIRGIN ISLANDS

Waters whose existing quality is better than the established standards as of the date of which such standards become effective will be maintained at their existing high quality. These and other waters of the Virgin Islands will not be lowered in quality unless and until it has been affirmatively demonstrated to the Territory's water pollution control agency and the Department of the Interior that such change is justifiable as a result of necessary economic or social development and will not interfere with or become injurious to any assigned uses made of, or presently possible in such waters. Any industrial, public or private project or development which would constitute a new source of pollution or an increased source of pollution to high quality waters will be required, as part of the initial project design, to provide the highest and best practicable degree of waste treatment available under existing technology, and since these are also Federal standards, these waste treatment requirements will be developed cooperatively.

Approved: February 22, 1971

VIRGINIA

Waters whose existing quality is better than the established standard as of the date on which such standards become effective will be maintained at high quality; provided that the Commonwealth of Virginia has the authority to approve any project or development, which would constitute a new or an increased discharge of effluent to high quality water, when it has been affirmatively demonstrated that a change is justifiable to provide necessary economic or social development, and provided further, that the necessary degree of waste treatment to maintain high water quality will be required where physically and economically feasible. Present and anticipated use of such waters will not be precluded under the conditions of the aforesaid. In implementing this policy, the Secretary of the Interior will be kept informed and will be provided with such information that he will need to discharge his responsibilities under the Federal Water Pollution Control Act.

Approved: January 22, 1968

WASHINGTON

Regardless of the water quality criteria as herein established, wherever existing receiving waters of a classified area are of a higher quality than the criteria assigned for said area, the existing water quality shall constitute water quality criteria. Likewise, existing water quality conditions shall constitute the criteria for interstate and coastal waters not specifically classified herein.

Approved: July 30, 1971

WEST VIRGINIA

"3.02 Waters whose existing quality is better than the established standards will not be lowered in quality unless and until it has been affirmatively demonstrated to the Chief of the Division of Water Resources, Department of Natural Resources, that such change is justifiable as a result of necessary development and will not interfere with or become injurious to any present or future assigned uses of such waters. In special cases where the facts warrant more stringent standards or exceptions thereto may be established. In implementing the policy of this paragraph as it relates to interstate streams, the Secretary of the Interior will be kept advised and provided with such information as he will need from time to time to protect the interests of the United States and the authority of the Secretary in maintaining high quality of interstate waters."

Approved: January 24, 1968

WISCONSIN

Regardless of the water quality standards and water use, untreated or inadequately treated wastes may not impair a designated use nor may standards be interpreted to permit a lower quality within a water sector than that now existing or required by outstanding orders.

Approved: November 27, 1968

UNIVERSITY OF ILLINOIS-URBANA
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WYOMING

Waters whose existing quality is better than the established standards as of the date on which such standards become effective will be maintained at high quality; provided that the State of Wyoming has the power to authorize any project or development, which would constitute a new source of pollution or an increased source of pollution to high quality water, when it has been affirmatively demonstrated that a change is justifiable to provide necessary economic or social development; provided further that the necessary degree of waste treatment to maintain high water quality will be required where physically and economically feasible. Present and anticipated use of such waters will not be precluded under the conditions aforesaid. In implementing this policy the Secretary of the Interior will be kept advised and will be provided with such information as he will need to discharge his responsibilities under the Federal Water Pollution Control Act, as amended.